

UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO

CITIBANK GLOBAL MARKETS, INC.,  
et al.,

Civil No. 06-1641 (JAF)

Plaintiff,

v.

LUIS FERNÁNDEZ-RAMÍREZ,  
et al.,

Defendants,  
Counterclaimants and  
Third-Party Plaintiffs,

V.

JUAN CARLOS HERNÁNDEZ, et al.,

### Third-Party Defendants.

## ORDER

Plaintiff's Motion for Attorneys' Fees, Docket Document No. 107, is **DENIED**. We apply the American Rule in this case because Plaintiff has failed to demonstrate that Defendants acted either vexatiously or obstinately during litigation. See Local 285 v. Nonotuck Resource Associates, Inc., 64 F.3d 735, 737 (1st Cir. 2005) (acknowledging an exception to the American Rule in federal cases where the losing party has acted vexatiously by taking actions that were "frivolous, unreasonable, or without foundation"); P.R. R. Civ. P. 44.2 (giving courts discretion to impose attorneys' fees in Puerto Rico cases where litigants have

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1 demonstrated obstinacy by being "unreasonably adamant or stubbornly  
2 litigious").

3 **IT IS SO ORDERED.**

4 San Juan, Puerto Rico, this 23<sup>rd</sup> day of April, 2008.

5 S/José Antonio Fusté  
6 JOSE ANTONIO FUSTE  
7 Chief U.S. District Judge